

FACT SUMMARY SHEET

For Revisions to the

UNDERGROUND STORAGE TANK REGULATIONS

9/13/2002

The Office of Waste Management had proposed amendments to the **Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials**, dated December 30, 1993. A public notice to that effect was listed in the Providence Journal on May 15, 2002, and a public hearing was held on June 4, 2002.

As a result of public comments the Office of Waste Management had **extended the comment period for all proposed amendments, except for the increase to registration and late fees, to July 5, 2002**. The comment period for the registration and late fee increases ended on June 5, 2002 at 11:00 am. This decision was recorded at the public hearing for the record. All other proposed changes were to be finalized at the close of the extended comment period, July 5, 2002.

The following fact sheet breaks down the proposed revisions to the regulations for underground storage tanks into three sections. The first part explains the amendments that were associated with the increase in fees. These amendments were filed on June 11, 2002 and became effective on July 1, 2002. The second part explains all other amendments that were made. The third section lists all proposed changes that were deleted based on public comment.

AMENDMENTS TO INCREASE FEES

Part 1

ANNUAL REGISTRATION FEES: The annual registration fee was increased from \$50 per tank to \$75 per tank, effective July 2002. Additionally, fees for late payment were increased from \$25 to \$35 per tank.

Changes made to the UST Regulations were made as described by section as:

NO CHANGES

FORMAT CHANGES – Changes made for conformance with guidance or for continuity

CLARIFICATION CHANGES – No substantive change

MINOR CHANGES – Changes are not expected to significantly affect the regulated body

SIGNIFICANT CHANGES – Changes are expected to significantly affect the regulated body.

Section 8 Facility Registration and Notification

SIGNIFICANT CHANGE: Subsection 8.10 *Registration Renewal Fees*, has been changed to reflect the increased annual registration fees. The fee was increased from \$50 per tank to \$75 per tank.

SIGNIFICANT CHANGE: Subsection 8.14 *Late Fees* has been changed to reflect the increased fee for late registrations. The fee was increased from \$25 to \$35 per tank.

ALL OTHER AMENDMENTS TO REGULATIONS

Part 2

DEADLINE FOR MANDATORY REPLACEMENT OF SINGLE WALLED TANKS: All single walled USTs not exempted by the proposed regulations must be replaced by December 15, 2015 or within thirty years of installation.

VARIOUS TECHNICAL CORRECTIONS AND CLARIFICATIONS: These are found throughout the regulations.

Changes made to the UST Regulations were made as described by section as:

NO CHANGES

FORMAT CHANGES – Changes made for conformance with guidance or for continuity

CLARIFICATION CHANGES – No substantive change

MINOR CHANGES – Changes are not expected to significantly affect the regulated body

SIGNIFICANT CHANGES – Changes are expected to significantly affect the regulated body.

Section 1 Purpose **NO CHANGES**

Section 2 Authority

CLARIFICATION CHANGES: Changes were made to this section to more accurately and specifically reference the laws relating to the authority to regulate underground storage tanks.

Section 3 Superseded Rules and Regulations

FORMAT CHANGES: In accordance with the rule making procedure, this section was moved to Rule 22 of the revised regulations.

Section 4 Severability

FORMAT CHANGES: In accordance with the rule making procedure, this section was moved to Rule 21 of the revised regulations. No other changes were made to this section.

Section 5 Applicability

CLARIFICATION CHANGES: Clarification was made to this section which identifies the exemption of oil water separators with planned discharges. This is not a change from the existing UST Regulations.

MINOR CHANGE: Section 5 of the existing regulations has been revised to include Rule 3.05 Applicable National Codes of Practice. This rule discusses the Applicable National Codes of Practice which is Appendix B of the revised regulations. Appendix B adopts by reference certain national codes of practice to be applied by DEM in its administration of these regulations. As these national codes of practice are updated and amended over time DEM may issue written policy documents adopting the updated codes for application with these regulations. Any such policy documents shall be issued in accordance with the provisions of the R.I. Administrative Procedures Act, including notice and hearing, and shall be filed with the R.I. Secretary of State's Office.

Section 6 Administrative Findings

MINOR CHANGE: Subsection G was deleted which stated "Technologies to continuously monitor and contain releases from underground storage tanks, including secondary containment, are widely available and should be utilized in new and replacement tank installations". This statement is now obsolete.

Section 7 Definitions

CLARIFICATION CHANGES: Several definitions were clarified to eliminate some uncertainty without substantive change. The following new definitions were added: Automatic tank gauging system, dual usage tank, diesel generator, environmental consultant, environmentally sensitive area, holding tank, oil water separator, remote pumping system, septic tank, suction pumping system, tightness test (previously precision test), vent whistle, and wear plate. The following definitions were deleted: consultant, existing facility, new facility, precision test, replacement tank, substantial modification and tank owner.

Section 8 Facility Registration and Notification

FORMAT CHANGE: Subsection 8.07 Approval of Plans for New Facility and Replacement Tank Systems Plans has been deleted and is wholly covered under Rule 9 New and Replacement Tank System Requirements of the revised regulations.

CLARIFICATION CHANGE: Subsection 8.11 New Registration Fee has been deleted. This section is obsolete because annual registrations are paid for the year in full when received as opposed to a prorated basis.

MINOR CHANGE: Subsection 8.18 Revocation of Registration has been revised to include two additional reasons which the Director can revoke a registration: (1) Failure to comply with an order by the Director and (2) Failure to provide information to the Director that is required to be maintained under these regulations after receipt of written request from the director.

CLARIFICATION CHANGE: Subsections 8.20 Record of UST Notice in Land Evidence Records and 8.21 Release of UST Notice are not applicable and have been deleted because the Department does not record the existence of USTs in land evidence records.

Section 9 Financial Responsibility

CLARIFICATION CHANGE: Subsection 9.04 has been developed in the revised regulations to reflect the passage of the “Rhode Island Underground Storage Tank Financial Responsibility Act” which is a means of complying with the financial responsibility requirements of the regulations.

Section 10 Minimum Existing Facility Requirements

CLARIFICATION CHANGE: The title of this section has been changed to Rule 8 “Minimum UST Operation and Maintenance Requirements” to better reflect its content.

CLARIFICATION CHANGE: Two rules, 8.02(C) and 8.02(D) have been added to the revised regulations for clarification. These rules reference existing requirements regarding inventory record keeping and leak reporting in accordance with the UST Regulations and Stage I and Stage II vapor control requirements of existing Air Pollution Control Regulation No. 11 “Petroleum Liquids Marketing and Storage”.

CLARIFICATION: Subsection 10.02(C) Compatibility of the existing regulations has been revised through Rule 8.02(E) to clearly indicate that an owner/operator shall not introduce, or allow to be introduced, any material into a UST System that is incompatible with the UST System.

SIGNIFICANT CHANGES: The most significant change in the revised UST Regulations involves a deadline for mandatory replacement of all single walled tanks and piping. Section 8.03(A) of the revised regulations requires that all single walled tanks installed prior to May 8, 1985 be replaced with double walled tanks no later than December 22, 2015. Section 8.03(B) of the revised regulations requires that all single walled tanks installed between May 8, 1985 and July 20, 1992 be replaced with double walled within thirty (30) years of the date of installation. The installation of single walled tanks was no longer permitted after July 20, 1992. The thirty-year limit is based on the standard industry manufacturers warranty for tanks and pipes

CLARIFICATION CHANGES: Mandatory Upgrade Requirements for Tank Systems subsections 10.03(B)(1) Interior Lining and 10.03(B)(2) Cathodic Protection of the existing regulations allowed for the corrosion protection upgrade requirements to have been met by interior lining and /or cathodic protection no later than December 22, 1998. Upgrading of bare steel tanks is no longer accepted. Rules 8.05 Interior Lining and 8.06 Cathodic Protection of the revised regulations clarify that. Rule 8.05 and Rule 8.06 of the revised regulations also provide more detail regarding the operation and maintenance of those approved UST systems prior to the deadline along with the applicable technical references.

CLARIFICATION CHANGES: Rule 8.07(D) Diesel Generator USTs of the revised regulations has been added for clarification and details the operation and maintenance requirements for diesel generator USTs.

CLARIFICATION CHANGE: Subsection 10.04 Approval of Upgrade is outdated and has been deleted. This section described the requirements for approval of bare steel tanks and piping systems which had been required to be upgraded with corrosion protection no later than December 22, 1998.

CLARIFICATION CHANGES: Subsections 10.06 Leak Detection for Existing Tanks and 10.07 Leak Detection for Piping have been combined for clarification as Rule 8.09 Tank and Line Tightness Testing Requirements in the revised regulations.

CLARIFICATION CHANGES: Subsection 10.06 Leak Detection for Existing Tanks of the existing UST Regulations has been expanded in Rule 8.07 of the revised regulations to include much more detail regarding the operation and maintenance requirements for leak detection systems for existing tanks.

CLARIFICATION CHANGES: Subsection 10.06(B) Precision Testing of the existing UST Regulations has been re-titled to Tank and Line Tightness Testing Requirements in Rule 8.09 of the revised regulations because “Precision Testing” refers to a specific type of tightness test method. “Tightness Testing” is the terminology used by the National Work Group for Leak Detection Evaluations. Additionally, this section has been expanded to include more detail regarding the technical requirements of the tests and submission requirements.

CLARIFICATION CHANGES: Rules 8.11 Shear/Crash/Impact Valve and 8.12 Check Valve have been added to the revised regulations for clarification of existing requirements.

CLARIFICATION CHANGES: Subsections 10.10(A) Spill Containment Basins and 10.10(B) Overfill Protection of the existing regulations has been expanded in Rules 8.14(A) Spill Containment Basins and 8.14(B) Overfill Protection to include greater detail regarding the specific spill and overfill requirements.

CLARIFICATION CHANGE: Rule 8.15 Submerged Fill Tube has been added to the revised regulations for clarification. This is an existing requirement.

MINOR CHANGE: Rule 8.17 Groundwater Monitoring Wells and Observation Wells has been added to the revised regulations. This rule requires that existing groundwater monitoring and observation wells be locked and properly identified to prevent accidental filling. Additionally, this rule requires that the groundwater from these wells be bailed and visually inspected for the presence of free product on an annual basis.

Section 11 New Facility and Replacement Facility Tank System Requirements

CLARIFICATION: Subsection 11.02(A) Prohibitions of the existing regulations has been revised for clarification through Rule 9.02(A) Prohibitions. Rule 9.02(A) more specifically

states that the installation of tanks in wellhead protection areas are only allowed to replace existing tanks, of equivalent size and stored substance, which have not been abandoned or removed from service for a period greater than 180 days.

CLARIFICATION: Rules 9.02(B) and 9.02(C) have been added to the revised regulations. Rule 9.02(B) references RIDOH Rules and Regulations Pertaining to Public Drinking Water which prohibits the installation of underground storage tanks within 200 feet of a public dug well or bedrock well and 400 feet of a gravel packed or gravel developed well. Rule 9.02(C) references RIDEM Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to Drilling of Drinking Water Wells which requires that underground storage tanks be installed as far away as possible from private wells.

CLARIFICATION: Section 11.03 General Requirements of the existing regulations has been expanded through Rule 9.03 General Requirements to include more specific information required by the Department prior to construction of new and replacement tank systems. These are existing requirements described in less detail in Section 8 of the existing regulations.

CLARIFICATION: Section 11.05 Tanks-Design and Manufacturing Standards has been revised through Rule 9.05 Tanks-Design and Manufacturing Standards to reference the latest industry standards in use for steel, fiberglass reinforced plastic, and composite tank systems.

CLARIFICATION: Section 11.10 Precision Testing Upon Installation has been revised through Rule 9.10(C) which references the rule which requires tank testers and test methods be licensed in accordance with Rule 14 Approval of Tank and/or Line Tightness Tests, Leak Detection Method and Tightness Test Licensing Requirements of the revised regulations.

CLARIFICATION: Section 11.11 Piping – Design, Construction and Installation has been revised through Rule 9.11 Piping - Design, Construction and Installation of the revised regulations to include greater detail of the current technical requirements for the design, construction and installation of new and replacement piping.

CLARIFICATION: Section 11.12 Piping – Spill and Overfill Protection Equipment has been revised through Rule 9.12 Spill and Overfill Protection Equipment of the revised regulations to include greater detail of the current technical requirements for spill and overfill protection equipment.

MINOR CHANGE: Subsection 11.12(A) of the existing regulations has been revised through Rule 9.12(A)(3) which requires that the exterior wall of metal spill containment basins be protected from galvanic corrosion.

CLARIFICATION: Rule 9.13 Tank Top Sumps, Transition Sumps, and Dispenser Sumps has been added to the revised regulations for clarity. This rule details the current technical requirements for sumps.

MINOR CHANGE: CLARIFICATION: Section 11.17 Monitoring Wells has been revised through Rule 9.17 Monitoring Wells to include a requirement that the monitoring wells be

properly developed no earlier than 48 hours after completion and before initial water quality samples are taken. This is a current technical requirement and has been detailed in this rule for clarification.

CLARIFICATION: Section 11.15 Leak Detection for New and Replacement Underground Piping Systems has been revised through Rule 9.15 Leak Detection for New and Replacement Underground Piping Systems of the revised regulations to include greater detail of the current technical requirements for underground piping systems.

CLARIFICATION: Section 11.17 Monitoring Wells has been revised through Rule 9.17 Monitoring Wells to include a requirement that the monitoring wells be properly developed no earlier than 48 hours after completion and before initial water quality samples are taken. This is a current technical requirement and has been detailed in this rule for clarification.

Section 12 Facility Modification

MINOR CHANGE: Rule 10.04(C) Approval of Modifications or Repairs has been added to this section of the revised regulations which requires that an environmental consultant be present during the repair or modification of a UST system where the excavation of soil is performed.

Section 13 Maintaining Records

CLARIFICATION: Section 13.02(A) Permanent Records has been revised through Rule 11.02(A) Permanent Records to include greater detail of what records are currently required to be permanently maintained, such as manufacturers warranties, operation and maintenance of corrosion protection systems and records pertaining to tanks closures and monitoring well checks.

CLARIFICATION: Section 13.02(B) Routine Record-keeping has been revised through Rule 11.02(B) Routine Record-keeping which simplified the language.

CLARIFICATION: Section 13.03 Inventory Leak Reporting has been revised through Rule 11.03 Inventory Record-Keeping and Leak Reporting to include greater detail regarding current inventory record keeping requirements.

Section 14 Leak and Spill Response

CLARIFICATION: Subsection 14.04 Reporting Requirements of the current regulations has been expanded through Rule 12.04 Leak and Release Reporting Requirements of the revised regulations to include greater detail of the requirements regarding failed or inconclusive tightness tests.

CLARIFICATION: Section 14.07 Release Characterization Report of the existing regulations has been expanded through Rule 12.07 Release Characterization Report of the revised regulations to include greater detail regarding these requirements particularly when the report is the result of a tightness test. The revisions also clarify that a separate Release Characterization

Report is not required when a closure assessment report is prepared and submitted to the Department.

CLARIFICATION: Subsection 14.08(B) Site Investigation of the existing regulations has been expanded through Rule 12.08(B) Site Investigation of the revised regulations to include greater detail regarding when the Director can require that a site investigation report be conducted.

CLARIFICATION: Subsection 14.08(C) Site Investigation of the existing regulations has been revised through Rule 12.08(C) which simplifies the language to reference the environmental consultant required to perform the site investigation.

CLARIFICATION: Subsection 14.08(D) Site Investigation of the existing regulations has been revised through Rule 12.08(D) Site Investigation to clarify that it is the responsibility of the owner/operator to submit the results of the Site Investigation.

CLARIFICATION: Section 14.09 Site Investigation Report of the existing regulations has been expanded through Rule 12.09 Site Investigation Report of the revised regulations to include greater detail regarding the technical requirements of the report with particular emphasis on soil borings and groundwater monitoring wells.

CLARIFICATION: Rule 12.11 No Further Action has been added to the revised regulations which accurately describes the conditions in which a letter of no further action can be issued following a site investigation.

CLARIFICATION: Section 14.12 Contents of Corrective Action Plan of the existing regulations has been expanded through Rule 12.13 Contents of Corrective Action Plan of the revised regulations to include greater detail regarding the technical requirements of a corrective action plan.

CLARIFICATION: Section 14.13 Approval of Corrective Action Plans of the existing regulations has been revised to include Rule 12.14(A)(6) which states that approval of a corrective action plan is in part based on the completeness and accuracy of the report.

CLARIFICATION: Subsection 14.13(C) Orders of Approval has been expanded through Rule 12.14(B) which lists the specific contents of a Department issued Order of Approval.

CLARIFICATION: Rule 12.14(C) has been added to the revised regulations which indicates that in lieu of an Order of Approval the Director may issue a letter of approval for proposed remediation plans which require pilot testing or a trial period of operation.

CLARIFICATION: Rule 12.14(D) has been added to the revised regulations which indicates that in lieu of an Order of Approval the Director may issue a letter of approval for proposed remediation plans which are limited in duration or complexity.

CLARIFICATION: Section 14.15(A) Public Notification of the existing regulations has been revised through Rule 12.16(A) Public Notification to indicate that the written notice of a release

will be sent to the town or municipality at the point when a site investigation report is required by the Director.

MINOR CHANGE: Section 14.17 Recording of Orders of Approval has been revised through Rule 12.17 of the revised regulations to require that the Order of Approval be recorded in the municipal land evidence records by the owner/operator within ten (10) days of issuance and that a copy of the recording be submitted to the Director.

CLARIFICATION: Rule 12.18 No Further Action has been added to the revised regulations which accurately describes the conditions in which a letter of no further action can be issued following the completion of a remedial action.

Section 15 Closure

CLARIFICATION: Section 15.02 Prohibitions has been expanded through Rule 13.02(C) Prohibitions to clarify that temporary closure of USTs is not allowed except for in accordance with Rule 13.03 Temporary Closure.

MINOR CHANGES: Section 15.03 Temporary Closure of the existing regulations has been changed through Rule 13.03 Temporary Closure of the revised regulations. For the purposes of the revised regulations, temporary closure begins the first day the UST system is removed from service as opposed to the 90th day in the existing regulations. Rule 13.03(A)(1) requires that the tank system be evacuated of its contents by pumping the product to a depth of less than one inch upon temporary closure. Additionally, Rule 13.03(A)(8) requires that the Director be notified in writing within fifteen days of temporary closure of any UST system and identify which actions have been taken to comply with this rule.

MINOR CHANGE: Section 15.04 Extension of Temporary Closure has been revised through Rule 13.04 Extension of Temporary Closure of the revised regulations. Rule 13.04 does not allow for extensions of temporary closure greater than 12 months.

MINOR CHANGE: Section 15.05 Permanent Closure of the existing regulations has been revised through Rule 13.05 Permanent Closure. Rule 13.05 of the revised regulations allows the Director to order the permanent closure of UST systems for which there is confirmation of a leak or release.

CLARIFICATION: Section 15.06 Closure Applications has been revised through Rule 13.06 to indicate that a UST owner/operator shall submit a permanent closure application to the Director as opposed to applying for a certificate of closure.

MINOR CHANGE: Section 15.06 Closure Applications has been revised through Rule 13.06 to indicate that closure applications are valid for a period of one year after which a new application must be submitted.

MINOR CHANGE: Section 15.07 Closure Application Fees has been revised through Rule 13.07 to indicate that closure applications are valid for a period of one year after which a new application must be submitted and a new processing fee of must be paid.

CLARIFICATION: Section 15.08 Notification and Inspection of Closures of the existing regulations has been deleted and combined with Section 15.11 UST Removal through Rule 13.09 UST Removal of the revised regulations.

CLARIFICATION: Section 15.10 Closure Assessments has been revised through Rule 13.11 Closure Assessment Report of the revised regulations to reflect the DEM UST Closure Assessment Guidelines currently used by the regulated body during the preparation of UST Closure Assessment Reports for submission to the Department. The specific requirements of these guidelines have been included in Rule 13.11 for clarification.

CLARIFICATION: Section 15.12 UST Closure in Place of the existing regulations has been revised through Rule 13.10 UST Closure in Place to incorporate the DEM UST Closure in Place Policy which has been in effect since June 15, 1998.

MINOR CHANGE: Section 15.13 Certificate of Closure of the existing regulations has been revised through Rule 13.12 Certificate of Closure of the revised regulations. Rule 13.12 of the revised regulations states that the Director shall, following receipt of a complete closure assessment report, issue a certificate of closure or require additional actions be taken in accordance with Rule 12 Leak and Spill Response. The issuance of conditional certificates of closure allowed in section 15.13 of the existing regulations has been eliminated.

Section 16 Leak Detection Methods and Precision Tester Licensing Requirements

CLARIFICATION: Throughout the revised regulations and particularly in this section, the term “precision test(s)” has been replaced with the term “tightness test(s)” as precision test refers to a specific type of tightness test method. “Tightness test” is the terminology used by the National Work Group on Leak Detection Evaluations, a group of expert regulators from the States and EPA that reviews evaluations of test methods.

CLARIFICATION: Section 16.01 Applicability of the existing regulations has been revised through Rule 14.01 Applicability to indicate that this rule also applies to the manufacturer or developer of the tightness test.

MINOR CHANGE: Section 16.02 Prohibition of the existing regulations has been revised through Rule 14.02(D) Prohibition to require that tightness tests be conducted in accordance with the most current publication of the National Work Group on Leak Detection Evaluations.

CLARIFICATION: Section 16.03 Approval of Leak Detection Methods has been re-titled for clarity through Rule 14.03 Approval of Tank and Line Tightness Test Methods.

CLARIFICATION: Rule 14.03(B)(2) has been added to the revised regulations which requires that to obtain approval of a tank and/or line tightness test method, the manufacturer or developer

must submit the entire third party evaluation report conducted in accordance with the EPA Standard Test Procedures for Evaluating Leak Detection Methods.

CLARIFICATION: Section 16.03(4) of the existing regulations has been revised through Rule 14.03(B)(3) to reference the most current publication of the National Work Group on Leak Detection Evaluations.

CLARIFICATION: Sections 16.04 Licensing Application Procedures and 16.05 Renewal of License of the existing regulations have been combined through Rule 14.04 Licensing Procedures for Tightness Testers and revised slightly for clarification.

MINOR CHANGES: Rule 14.05 Licensing Procedures for Tightness Testing Businesses has been added to the revised regulations. This rule requires that the tightness testing business be licensed in addition to the testers themselves. The requirements of the licensed business is essentially the same as the testers' requirements and are detailed in this rule. There is no fee charged to the businesses for licensure.

CLARIFICATION: Section 16.06 Signature on test results of the existing regulations has been deleted and included in Rule 8.09(B)(13) of the revised regulations.

MINOR CHANGES: Section 16.07 Suspension or revocation of license of the existing regulations has been revised through Rule 14.06 Suspension or revocation of license to include tightness testing businesses in addition to the testers themselves.

MINOR CHANGES: Section 16.08 Procedure for suspension and revocation of the existing regulations has been revised through Rule 14.07 Procedure for suspension and revocation to include tightness testing businesses in addition to the testers themselves.

Section 17 Signatories to Registration and Closure Application - NO CHANGES.

This section is now Rule 15 Signatories to Registration and Closure Application.

Section 18 Transfer of Certificates of Registration or Closure

MINOR CHANGE: Section 18.03 Transfer of Closure Certificates of the existing regulations has been deleted. This section allowed the transfer of conditional certificates of closure which will no longer be issued with the revised regulations.

CLARIFICATION: Section 18.04 Transfer of Records of the existing regulations has been revised through Rule 16.03 of the revised regulations to indicate that all records required by Rule 11 Maintaining Records are to be transferred to a new owner or operator.

Section 19 USTs/Holding Tanks Serving Floor Drains

CLARIFICATION: Section 19.02 Registration of the existing regulations has been revised through Rule 17.02 Registration of the revised regulations to eliminate holding tank registration deadlines which have passed.

CLARIFICATION: Rule 17.04(D) has been added to the revised regulations to indicate that holding tanks are required to be maintained in accordance with Rule 17.07 Maintenance Requirements of the revised regulations.

CLARIFICATION: Subsection 19.05(A)(1) Prohibitions of the existing regulations has been revised for clarification through Rule 17.05(A)(1) Prohibitions. Rule 17.05(A)(1) more specifically states that the installation of holding tanks in wellhead protection areas is only allowed to replace existing holding tanks, of equivalent size and stored substance, which have not been abandoned or removed from service for a period greater than six months.

CLARIFICATION: Subsection 19.05(C) Tanks-Design and Manufacturing Standards has been revised through Rule 17.05(C) Tanks-Design and Manufacturing Standards to reference the latest industry standards in use for steel, fiberglass reinforced plastic, and composite holding tank systems.

Section 20 Variances

CLARIFICATION: This section of the existing regulations has been revised to include language which indicates that in addition to owners and operators, all persons subject to the UST Regulations may apply for a variance through Rule 20 Variances.

Section 21 Appeals - NO CHANGES.

This Section is now Rule 19 Appeals.

Section 22 Penalties – NO CHANGES.

This Section is now rule 20 Penalties.

APPENDIX A - Definition of Hazardous Substance – NO CHANGES.

APPENDIX B – Applicable National Codes of Practice

CLARIFICATION: Appendix B Applicable National Codes of Practice has been revised to reference the most recent publications of the National Codes of Practice. Additionally, the following codes of practice were referenced: STI ACT-100-U, 2002 ACT-100-U Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks and STI Permatank, 2002 Specification for Permatank, STI R-972-01, 2001 Recommended Practice for the Addition of Supplemental Anodes to sti-P₃ USTs, NFPA 329, 1999 Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases,

MINOR CHANGE: A note has been added to Appendix B of the revised regulations which indicates that the National Codes of Practice are subject to change through written DEM Policy Documents which will follow Public Notice and Hearing in accordance with RI APA and R.I.G.L. 42-35-3.

APPENDIX C – Financial Responsibility Required 40 CFR 280 Subpart H

CLARIFICATION: This appendix has been deleted from the existing regulations and is referenced in the revised regulations through Rule 7.02.

PROPOSED AMENDMENTS THAT WERE DELETED

Part 3

Section 10 Minimum Existing Facility Requirements

SIGNIFICANT CHANGE: Rule 8.03(A) *Installation of Groundwater Monitoring Wells* has been added to the revised regulations which requires that groundwater monitoring well(s) must be installed, if not already existent, at all UST facilities with one or more single walled tanks within six months of the effective date of the revised regulations. The monitoring well must be located hydraulically downgradient of the tanks and be installed and maintained in accordance with proposed Rules 9.17(A) through 9.17(D).

MINOR CHANGE: Rule 8.03(B) *Installation of Groundwater Monitoring Wells* has been added to the revised regulations which indicates that, at the discretion of the Director, facilities located in wellhead protection areas or other environmentally sensitive areas may be required to install groundwater monitoring wells. When required, the monitoring wells must be located hydraulically downgradient of the tanks and be installed and maintained in accordance with proposed Rules 9.17(A) through 9.17(D).

MINOR CHANGE: Rule 8.15(E) *Annual Testing of Spill Containment Basins and Sumps* has been added to the revised regulations. This rule requires that a hydrostatic water test be performed at least once per year on all sumps and spill containment basins in order to determine that all joints, seals, and couplings are watertight. Additionally, a written record of all hydrostatic water tests, including documentation of repairs, be maintained in accordance with Rule 11.02(A), *Permanent Records*.